

REMARKS

The Office action dated September 26, 2005, has been received and carefully reviewed.

As a result of the Office action, claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Moreover, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 6,212,284 to Puls. Claims 1-4 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting rejection as being unpatentable over claims 1-5 of the co-pending patent application serial no. 10/677,358. As to the anticipation rejection, the prior art reference has been carefully reviewed but is not believed to show or suggest Applicants' invention as now claimed in any manner. Reconsideration and allowance of the pending claims, and examination and allowance of the newly added claim 5 is therefore respectfully requested in view of the following remarks.

As a preliminary matter, the obviousness-type double patenting rejection is provisional and currently no allowable claims are identified in either application. Therefore, a terminal disclaimer will be filed once there is an indication of allowable claims. Moreover, claims 3 and 4 have been canceled without prejudice or disclaimer, thereby rendering the Section 112, second paragraph, indefiniteness rejection

moot.

By the above amendment, claim 1 has amended to better define the claimed invention wherein the annular spacers are provided between the inner surface of the case and an outer surface of the first protector and between the inner surface of the case and an outer surface of the second protector so as to surround the sound discharge holes of both protectors, openings are provided in the frame to allow the first back chamber and the second back chamber to communicate with the inside space of the case so as to discharge sounds generated in the first and the second back chambers into the inside space of the case, an annular baffle is formed between the inner surface of the case and an outer surface of the frame so as to divide the case into a first space for the speaker and a second space for the receiver, thereby preventing the sound from one of the back chambers from mixing with the sound from the other one of the back chambers.

Since each of the annular spaces surrounds the sound discharge holes of the speaker and the receiver, sounds from the speaker and the receiver are not mixed with each other to prevent crosstalk. The annular baffle is also provided to prevent crosstalk of the sounds from both back chambers in the case. Since the baffle has an annular shape, the height of the baffle can be adjusted. Thus, the compound sound generator can be made into a thin device.

Furthermore, the baffle is made from a separate member than that of the case. Therefore, if the size and shape of the case is changed, the device can easily be conformed to the varied size and shape of the case by only changing the size of the baffle.

To the contrary, Puls does not teach or suggest a baffle for preventing the mixing of the sounds, as now required by the claimed invention, but rather teaches a passage (34) provided with a body wall (40). The passage is integral with the body wall (40). Therefore, if the body's size or shape is changed, the device including the passage must be changed as a whole. Thus, the device cannot easily accommodate a design change.

In addition, the passage perfectly penetrates the device. Therefore, the passage cannot be independently formed. In view of foregoing amendments and remarks, it is respectfully submitted that claim 1 is patentably distinguishable over the prior art.

New claim 5 is dependent from claim 1 and it requires the annular baffle be formed integrally with the frame. Support for the claim is found in, for example, original claim 1. No new matter has been added.

Each issue raised in the Office action dated September 26, 2005 has been addressed and it is believed that claims 1, 2 and 5 are in condition for allowance. Wherefore,

reconsideration and allowance of these claims is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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